REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-25 are pending, Claims 1, 6, 10, 15, 19 and 22 are amended by way of the present amendment. No new matter is added.

In the outstanding Office Action, Claims 1-25 were rejected under 35 U.S.C. §103(a) as unpatentable over Kato et al. (U.S. Patent No. 6,301,663, herein Kato) in view of Ohba (U.S. Patent No. 5,668,945) and in further view of Kaplan ("IBM Cryptolopes, Superdistribution and Digital Writes Management", hereinafter "Kaplan").

Turning now to the rejection under 35 U.S.C. § 103(a), Applicants respectfully traverse the rejection of Claims 1-25 over Kato, Ohba and Kaplan.

Claim 1 recites, in part,

> obtaining a recording medium ID associated with the recording medium;
> generating independent write identification information for every recording operation performed on the digital data;
> encrypting data identification information of the digital data and data control information by the use of the write identification information and encrypting the write identification information by use of the recording medium ID; and
> recording at least the encrypted data identification information and data control information to the recording medium.

Independent Claims 6, 10, 15, 19 and 22 recite similar features.

Kaplan describes fingerprinting or watermarking a document when it is created to identify the source of the document. Further, Kaplan describes that, when the user "buys" a document, a new fingerprint or watermark is added to the document as it is decrypted to identify the purchaser. At creation is the only time that a fingerprint or watermark is added to a document in Kaplan.

The outstanding Action states on page 2, beginning at line 4 from the bottom, "writing the identification every time a recording operation of the digital data is not the same as writing the identification information for each recording operation. In the reference of Kaplan the writing of the identification information is performed for each recording because each cryptolope contains identification information and a recording of the digital media. Therefore each time a cryptolope is bought and the digital media is recorded, the identification information is written to the newly created and bought cryptolope."

In the claimed invention, independent write identification information is generated for every recording operation performed on the digital data.

In other words, in Claim 1 every time the digital data is recorded, whether it is the first time, the second time (such as when a person records a copy of the original) or the nth time, independent write identification information is generated and recorded to the recording medium.

Kaplan, in contrast, does not describe or suggest generating independent write identification information for every recording operation performed on the digital data. Instead Kaplan merely describes adding a fingerprint or watermark to the document when it is originally decrypted.

This invention provides an advantage over the system described in Kaplan because the invention recited in Claim 1, ensures that only the original copy can be used. Any subsequent copies will have independent write identification information that is different from the original write identification information making it easy for a detection system to recognize an unauthorized copy.

For instance, in a non-limiting example, as described on page 15 of the present specification, the independent write identification information can be used to prevent copying of data on a disk. In this non-limiting example, illustrated in Fig. 3, data is written to disk

30_0. When the data is recorded to disk 30_0 a first independent write identification information is generated. The data is then encrypted using the first independent write identification information. The disk 30_0 is then read and the data copied to disk 30_2. When the copied data is recorded to disk 30_2, a second independent write identification information is generated. The data is then read and unencrypted in 100_3 using the second independent write identification information. However, the data is still encrypted by the first independent write identification information and thus the data is unusable.

Ohba and Kato do not cure the above noted deficiencies in Kaplan with regard to the generating step recited in Claim 1.

Therefore, no matter how Kato, Ohba and Kaplan are combined (if it makes any sense to combine them at all), the combination does not teach or suggest at least the generating step of amended independent Claim 1, and therefore Claim 1 and claims depending therefrom patentably distinguish over Kato, Ohba and Kaplan considered alone or in combination.

Although of differing class and/or scope, it is respectfully submitted that independent Claims 6, 10, 15, 19 and 22 and claims depending therefrom also patentably define over the asserted prior art for at least the reasons discussed above with regard to amended Claim 1.

Consequently, in light of the above discussion it is respectfully submitted that Claims 1-25 patentably define over the asserted prior art. A Notice of Allowance is therefore earnestly solicited.

Respectfully submitted,

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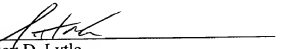

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